103D CONGRESS 2D SESSION

H. R. 5055

To amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and animal quarantine laws to provide for improved public health and food safety through the reduction of pathogens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 1994

Mr. Stenholm (for himself, Mr. Waxman, Mr. Brown of California, and Mr. Farr of California) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and animal quarantine laws to provide for improved public health and food safety through the reduction of pathogens, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 Section 1. This Act may be cited as "The Pathogen
- 4 Reduction Act of 1994".
- 5 TITLE I
- 6 LEGISLATIVE FINDINGS
- 7 SEC. 101. The Congress finds that:

- 1 (a) Pathogens are a significant source of 2 foodborne illness associated with meat, meat food 3 products, poultry, and poultry products.
 - (b) Proper handling of meat or products of cattle, sheep, swine, goats, horses, mules, or other equines, or poultry products which may bear or contain human pathogens is necessary to prevent foodborne illness.
 - (c) Livestock and poultry producers, handlers, processors, distributors, transporters, and retailers all share responsibility in handling livestock, meat, meat food products, poultry, and poultry products in such a way as to protect the public health.
 - (d) The distribution of meat, meat food products, poultry, or poultry products which could be injurious to the public health because they contain human pathogens, would impair the effective regulation of wholesome meat, meat food products, poultry, or poultry products in interstate and foreign commerce and would destroy markets for wholesome products.
 - (e) In order to reduce the risk of foodborne illnesses and protect public health, a concerted effort is required on the part of regulatory authorities and all parties involved in the production and handling

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- of meat, meat food products, poultry, or poultry products to address the problem of microbial contamination using the best available scientific infor-
- 4 mation and appropriate technology.
- 5 (f) All articles and other animals which are sub6 ject to this Act are either in interstate or foreign
 7 commerce or substantially affect such commerce,
 8 and regulation by the Secretary of Agriculture and
 9 cooperation by the States as contemplated by this
 10 Act are necessary to prevent or eliminate burdens
 11 upon such commerce and to protect the health and
- 13 AMENDMENTS TO THE FEDERAL MEAT INSPECTION ACT
- 14 SEC. 102. The Federal Meat Inspection Act (21
- 15 U.S.C. 601, et seq.) is amended:

welfare of consumers.

- 16 (1) In section 1 (21 U.S.C. 601), by adding a
- definition of "official establishment" to read as fol-
- lows:

- 19 "(w) The term 'official establishment' means any es-
- 20 tablishment as determined by the Secretary at which in-
- 21 spection of the slaughter of cattle, sheep, swine, goats,
- 22 mules, and other equines, or the processing of meat and
- 23 meat food products of such animals, is maintained under
- 24 authority of this Act.";
- 25 (2) In section 3(a) (21 U.S.C. 603(a)), by in-
- serting "on the basis of the best available scientific

- and technologic data, and evaluation of the risks posed to public health and safety," after the words "That hereafter,".
- (3) In section 4 (21 U.S.C. 604), by inserting
 ", on the basis of the best available scientific and
 technologic data, and evaluation of the risks posed
 to public health and safety," after the words "That
 for the purposes hereinbefore set forth".
- 9 (4) In section 301(c)(1), (21 U.S.C. 661(c)(1)), 10 by inserting "or by thirty days prior to the expira-11 tion of two years after enactment of the Pathogen 12 Reduction Act of 1994," after the words "the 13 Wholesome Meat Act.".
 - (5) In section 301(c), (21 U.S.C. 661(c)), by deleting "titles I and IV", "title I and title IV", and "title I and IV", wherever they appear and inserting in lieu thereof "titles I, IV, and V".
 - (6) By adding at the end thereof a new title V to read as follows:

20 "TITLE V—PATHOGEN REDUCTION

- "Sec. 501. (a) The Secretary is directed upon the
- 22 basis of the best available scientific and technologic data,
- 23 as determined by the Secretary, to prescribe by regulation
- 24 such actions as the Secretary deems necessary to—

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- "(1) limit the presence of human pathogens in cattle, sheep, swine, goats, horses, mules, or other equines at the time they are presented for slaughter;
 - "(2) ensure that appropriate measures are taken to control the presence and growth of human pathogens on carcasses and parts thereof and on meat or meat food products derived from such animals prepared in any official establishment;
 - "(3) ensure that all ready-to-eat meat or meat food products prepared in any official establishment preparing any such article for distribution in commerce are processed in such a manner as to destroy any human pathogens likely to cause foodborne illness; and
 - "(4) ensure that meat and meat food products other than those included in subsection (a)(3) of this section prepared any official establishment preparing any such article for distribution in commerce are labeled with instructions for handling and preparation for consumption which, when adhered to, destroy any human pathogens likely to cause foodborne illness.
- "(b) Carcasses or parts thereof and meat or meat food products prepared at any official establishment preparing any such article for distribution in commerce which

are found not to be in compliance with the regulations promulgated under subsection (a)(2), (a)(3), or (a)(4) of this section shall be considered adulterated and condemned 3 4 and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That carcasses or parts thereof, and meat and meat food products which are not in compliance with subsection (a)(2), (a)(3), 8 or (a)(4) of this section, but which may by processing, la-10 beling, or both, as applicable, in accordance with subsection (a)(2), (a)(3), or (a)(4) of this section be made not adulterated need not be condemned and destroyed if so reprocessed, labeled, or both, as applicable and as determined by the Secretary, under the supervision of an in-14 spector and thereafter inspected and found to be not adul-15 terated. If an appeal be taken from such determination of condemnation, the carcasses or parts thereof, or meat and meat food products shall be appropriately marked, 18 segregated and held by the official establishment pending 19 completion of an appeal inspection. If the determination 21 of condemnation is sustained, the carcasses or parts thereof, and meat and meat food products if not so reprocessed, labeled, or both, as applicable, as to be made not adulterated shall be destroyed for human food purposes under

- 1 the supervision of a duly authorized representative of the
- 2 Secretary.

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- 3 "(c) The Secretary shall, within two years of the en-
- 4 actment of this Act, issue regulations that—

the meat and meat food products;

- 5 "(1) require meat and meat food products pre-6 pared in any official establishment to be tested, in 7 such manner and with such frequency as the Sec-8 retary deems necessary, to identify human disease-9 causing pathogens or markers for these pathogens in
 - "(2) require that the results of any test conducted in accordance with subsection (c)(1) of this section be reported to the Secretary, in such manner and with such frequency as the Secretary deems necessary;
 - "(3) establish, to the maximum extent scientifically supportable, levels of human pathogens that, when found on meat or meat food products prepared in official establishments, constitute a threat to public health. When making decisions regarding specific human pathogen levels, the Secretary shall consider the risk to human health, including the risk to infants, the elderly, persons whose immune systems are compromised, and other population subgroups,

posed by consumption of the meat or meat food 1 2 products containing the human pathogen; and "(4) prohibit or restrict the sale, transpor-3 4 tation, offer for sale or transportation, or receipt for transportation of any meat or meat food products 5 6 that— "(A) are capable of use as human food, 7 8 and "(B) exceed the levels of human pathogens 9 established in accordance with subsection (c)(3) 10 11 of this section. "(d)(1) The Secretary shall, as the Secretary deems 12 necessary and feasible, conduct or support appropriate research regarding the establishment of levels of human 14 pathogens that when found on meat and meat food products prepared in official establishments constitute a threat to public health and shall conduct studies to validate these levels. 18 19 "(2) The Secretary is directed to review, on a regular basis, all regulations, processes, procedures and methods 20 designed to limit and control human pathogens on car-21 casses and parts thereof and on meat or meat food products. This on-gong review shall include, as necessary, epi-

demiologic and other scientific studies to ascertain the ef-

- 1 ficiency and efficacy of such regulations, processes, proce-
- 2 dures and methods.
- 3 "(3) The Secretary shall consult with the Public
- 4 Health Service, the Centers for Disease Control and Pre-
- 5 vention, the Food and Drug Administration, and any other
- 6 State or Federal public health agency the Secretary deems
- 7 necessary in order to carry out subsections (c)(1), (c)(3),
- 8 (d)(1), and (d)(2) of this section.
- 9 "NOTIFICATION, DISTRIBUTION, AND RECALL REGARDING
- 10 NONCONFORMING ARTICLES
- "Sec. 502. (a) Any person, firm, or corporation pre-
- 12 paring carcasses or parts thereof, meat or meat food prod-
- 13 ucts for distribution in commerce which obtains knowledge
- 14 providing a reasonable basis for believing that any car-
- 15 casses or parts thereof or any meat or meat food prod-
- 16 ucts—
- 17 "(1) are adulterated, or not produced in compli-
- ance with section 501(a) of this Act or the regula-
- tions promulgated thereunder; or
- 20 "(2) are misbranded, shall immediately notify
- 21 the Secretary, in such manner and by such means
- as the Secretary may by regulation prescribe, of the
- 23 identity and location of such articles.
- 24 "(b) If the Secretary finds, upon such notification or
- 25 otherwise, that any carcasses or parts thereof or any meat
- 26 or meat food products—

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"(1) are adulterated or not produced in compliance with section 501(a) of this Act or the regulations promulgated thereunder and that there is a reasonable probability that human consumption of such articles present a threat to the public health, as determined by the Secretary; or

"(2) are misbranded, the Secretary shall provide the appropriate person, firm, or corporation with an opportunity to cease distribution of such articles; notify all persons, firms, or corporations transporting or distributing such articles or to which such articles were shipped or sold to immediately cease distribution of such articles; and to recall the articles. If the person, firm, or corporation refuses to voluntarily cease distribution, make notification, and recall the articles or does not voluntarily cease distribution, make notification, and recall the articles within the time or in the manner prescribed by the Secretary, the Secretary shall immediately issue an order requiring the person, firm, or corporation (including the official establishment which prepared the articles), as the Secretary deems necessary to: immediately cease distribution of such articles; and immediately notify all persons, firms, or corporations transporting or distributing such articles or to which

1	such articles were shipped or sold to immediately
2	cease distribution of such articles. The order shall
3	provide any person, firm, or corporation subject to
4	the order with an opportunity for an informal hear-
5	ing, to be held not later than 5 days after the date
6	of the issuance of the order, on the actions required
7	by the order and on whether the order should be
8	amended to require recall of such articles. If, after
9	providing an opportunity for such a hearing, the
10	Secretary determines that inadequate grounds exist
11	to support the actions required by the order, the
12	Secretary shall vacate the order.
13	"(c) If, after providing an opportunity for an infor-
14	mal hearing under subsection (b) of this section, the Sec-
15	retary determines that the articles that are the subject of
16	an order under subsection (b) of this section must be re-
17	called, the Secretary shall amend the order to require a
18	recall. The Secretary shall—
19	"(1) specify a timetable in which the recall will
20	occur;
21	"(2) require periodic reports to the Secretary
22	describing the progress of the recall; and

"(3) provide for notice to consumers to whom such articles were, or may have been distributed as to how they should treat the article.

1	"LIVESTOCK TRACEBACK
2	"SEC. 503. (a) For the purpose of limiting the risk
3	of foodborne illness from carcasses and parts thereof and
4	meat and meat food products distributed in commerce, the
5	Secretary shall, as the Secretary deems necessary, pre-
6	scribe by regulation that cattle, sheep, swine, goats,
7	horses, mules, and other equines presented for slaughter
8	for human food purposes be identified in the manner pre-
9	scribed by the Secretary to enable the Secretary to trace
10	each animal to any premises at which it has been held
11	for such period prior to slaughter that the Secretary
12	deems necessary to effectuate the purposes of this Act.
13	The Secretary may prohibit or restrict entry into any
14	slaughtering establishment inspected under this Act of any
15	cattle, sheep, swine, goats, horses, mules, or other equines
16	not identified as prescribed by the Secretary.
17	"(b) The Secretary is authorized to require that all
18	persons, firms, and corporations required to identify live-
19	stock pursuant to subsection (a) of this section maintain
20	accurate records, as prescribed by the Secretary, regard-
21	ing the purchase, sale, and identification such livestock;
22	and all persons, firms, and corporations subject to such
23	requirements shall, at all reasonable times, upon notice by
24	a duly authorized representative of the Secretary, afford

25 such representative access to their places of business and

- 1 opportunity to examine the records thereof, and to copy
- 2 any such records. Any such record required to be main-
- 3 tained by this section shall be maintained for such period
- 4 of time as the Secretary prescribes.
- 5 "(c) No person, firm, or corporation shall falsify or
- 6 misrepresent to any other person, firm, or corporation, or
- 7 to the Secretary, any information as to any premises at
- 8 which any cattle, sheep, swine, goats, horses, mules, or
- 9 other equines, or carcasses thereof, were held.
- 10 "(d) No person, firm, or corporation shall, without
- 11 authorization from the Secretary, alter, detach, or destroy
- 12 any records or other means of identification prescribed by
- 13 the Secretary for use in determining the premises at which
- 14 were held any cattle, sheep, swine, goats, horses, mules,
- 15 or other equines, or the carcasses thereof.
- 16 "(e)(1) If the Secretary finds any human pathogen
- 17 or any residue in any cattle, sheep, swine, goats, horses,
- 18 mules, or other equines at the time they are presented for
- 19 slaughter or in any carcasses, parts of carcasses, meat,
- 20 or meat food product prepared in an official establishment
- 21 and the Secretary finds that there is a reasonable prob-
- 22 ability that human consumption of any meat or meat food
- 23 product containing the human pathogen or residue pre-
- 24 sents a threat to public health, the Secretary may take

- 1 such action as the Secretary deems necessary to determine
- 2 the source of the human pathogen or residue.
- 3 "(2) If the Secretary identifies the source of any
- 4 human pathogen or residue described in subsection (e)(1)
- 5 of this section, the Secretary is authorized to prohibit or
- 6 restrict the movement of any animals, carcasses, parts of
- 7 carcasses, meat, meat food product, or any other article
- 8 from any source of the human pathogen or residue until
- 9 the Secretary determines that the human pathogen or resi-
- 10 due at the source no longer presents a threat to public
- 11 health.
- "(f)(1) The Secretary shall use any means of identi-
- 13 fication and recordkeeping methods utilized by producers
- 14 or handlers of cattle, sheep, swine, goats, horses, mules,
- 15 or other equines whenever the Secretary determines that
- 16 such means of identification and recordkeeping methods
- 17 will enable the Secretary to carry out the purposes of this
- 18 section.
- 19 "(2) The Secretary is authorized to cooperate with
- 20 producers or handlers of cattle, sheep, swine, goats,
- 21 horses, mules, or other equines, in which any human
- 22 pathogen or residue described in subsection (e)(1) of this
- 23 section is found, to develop and implement methods to
- 24 limit or eliminate the human pathogen or residue at the
- 25 source.

- 1 "REFUSAL OR WITHDRAWAL OF INSPECTION
- 2 "Sec. 504. (a) The Secretary may for such period,
- 3 or indefinitely, as the Secretary deems necessary to effec-
- 4 tuate the purposes of this Act, refuse to provide, or with-
- 5 draw, inspection service under title I of this Act with re-
- 6 spect to any official establishment if the Secretary deter-
- 7 mines, after opportunity for a hearing is accorded to the
- 8 applicant for, or recipient of, such service, that the appli-
- 9 cant or recipient, or any person responsibly connected with
- 10 the applicant or recipient, has repeatedly failed to comply
- 11 with the requirements of this Act or the regulations pro-
- 12 mulgated thereunder.
- 13 "(b) The Secretary may direct that, pending oppor-
- 14 tunity for an expedited hearing with respect to any refusal
- 15 or withdrawal of inspection service and the final deter-
- 16 mination and order under subsection (a) of this section
- 17 and any judicial review thereof, inspection service shall be
- 18 denied or suspended if the Secretary deems such action
- 19 necessary in the public interest in order to protect the
- 20 health or welfare of consumers or to assure the safe and
- 21 effective performance of official duties under this Act.
- 22 "(c) The determination and order of the Secretary
- 23 with respect to withdrawal or refusal of inspection service
- 24 under this section shall be final and conclusive unless the
- 25 affected applicant for, or recipient of, inspection service

- 1 files application for judicial review within 30 days after
- 2 the effective date of the order; and inspection service shall
- 3 be withdrawn or refused as of the effective date of the
- 4 order pending any judicial review of the order unless the
- 5 Secretary directs otherwise. Judicial review of any such
- 6 order shall be in the United States Court of Appeals for
- 7 the circuit in which the applicant for, or recipient of, in-
- 8 spection service has its principal place of business or in
- 9 the United States Court of Appeals for the District of Co-
- 10 lumbia Circuit and shall be upon the record upon which
- 11 the determination and order are based. The provisions of
- 12 section 204 of the Packers and Stockyards Act, 1921 (42
- 13 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable
- 14 to appeals taken under this section.
- 15 "(d) The provisions of this section shall be in addition
- 16 to and not derogate from any other provision of this Act
- 17 for refusal, withdrawal, or suspension of inspection service
- 18 under title I of this Act.
- 19 "CIVIL PENALTIES
- 20 "Sec. 505. (a) Any person, firm, or corporation
- 21 which violates any provision of this Act, any regulation
- 22 issued under this Act, or any order issued under section
- 23 502(b) or (c) of this Act may be assessed a civil penalty
- 24 by the Secretary of not more than \$100,000 per day of
- 25 violation. Each offense shall be a separate violation. No
- 26 penalty shall be assessed unless such person, firm, or cor-

- 1 poration is given notice and opportunity for a hearing on
- 2 the record before the Secretary in accordance with sections
- 3 554 and 556 of title 5, United States Code. The amount
- 4 of such civil penalty shall be assessed by the Secretary
- 5 by written order, taking into account the gravity of the
- 6 violation, degree of culpability, and history of prior of-
- 7 fenses; and may be reviewed only as provided in subsection
- 8 (b) of this section.
- 9 "(b) Any person, firm, or corporation against whom
- 10 such violation is found and a civil penalty assessed by
- 11 order of the Secretary under subsection (a) of this section
- 12 may obtain review in the Court of Appeals of the United
- 13 States for the circuit in which such party resides or has
- 14 a place of business or in the United States Court of Ap-
- 15 peals for the District of Columbia Circuit by filing a notice
- 16 of appeal in such Court within 30 days from the date of
- 17 such order and by simultaneously sending a copy of such
- 18 notice by certified mail to the Secretary. The Secretary
- 19 shall promptly file in such Court a certified copy of the
- 20 record upon which such violation was found and such pen-
- 21 alty assessed. The findings of the Secretary shall be set
- 22 aside only if found to be unsupported by substantial evi-
- 23 dence on the record as a whole.
- 24 "(c) If any person, firm, or corporation fails to pay
- 25 an assessment of a civil penalty after it has become a final

- 1 and unappealable order, or after the appropriate Court of
- 2 Appeals has entered final judgment in favor of the Sec-
- 3 retary, the Secretary shall refer the matter to the Attorney
- 4 General, who shall institute a civil action to recover the
- 5 amount assessed in any appropriate district court of the
- 6 United States. In such collection action, the validity and
- 7 appropriateness of the Secretary's order imposing the civil
- 8 penalty shall not be subject to review.
- 9 "(d) All penalties collected under authority of this
- 10 section shall be paid into the Treasury of the United
- 11 States.
- 12 "(e) Nothing in this Act shall be construed as requir-
- 13 ing the Secretary to report for criminal prosecution or for
- 14 the institution of libel or injunction proceedings, violations
- 15 of this Act, whenever the Secretary believes that the public
- 16 interest will be adequately served by assessment of civil
- 17 penalties. Furthermore, the Secretary may, in the Sec-
- 18 retary's discretion, compromise, modify, or remit, with or
- 19 without conditions, any civil penalty assessed under this
- 20 section.".
- 21 AMENDMENTS TO THE POULTRY PRODUCTS INSPECTION
- 22 ACT
- 23 Sec. 103. The Poultry Products Inspection
- 24 ACT (21 U.S.C. 451 ET SEQ.) IS AMENDED:

- 1 (1) In section 5(c) (21 U.S.C. 454(c)), by deleting "and 12–22 of this Act" and inserting in lieu thereof "12–22, and 30–34 of this Act".
- (2) In section 5(c)(1) (21 U.S.C. 454(c)(1)), by inserting "or by thirty days prior to the expiration of two years after enactment of the Pathogen Reduction Act of 1994," after the words "the Wholesome Poultry Products Act,".
 - (3) In section 6(a) (21 U.S.C. 455(a)), by inserting "on the basis of the best available scientific and technologic data, and evaluation of the risks posed to public health and safety," after the word "necessary".
 - (4) In section 6(b) (21 U.S.C. 455(b)), by inserting "on the basis of the best available scientific and technologic data, and evaluation of the risks posed to public health and safety," after the words "The Secretary,".
 - (5) By adding at the end thereof new sections 30 through 34 as follows:
- 21 "PATHOGEN REDUCTION
- "Sec. 30. (a) The Secretary is directed upon the
- 23 basis of the best available scientific and technologic data,
- 24 as determined by the Secretary, to prescribe by regulation
- 25 such actions as the Secretary deems necessary to—

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- 1 "(1) limit the presence of human pathogens in 2 poultry at the time they are presented for slaughter;
- "(2) ensure the appropriate means are taken to control the presence and growth of human pathogens on poultry or poultry products prepared in any official establishment;
 - "(3) ensure that all ready-to-eat poultry and poultry products prepared in any official establishment preparing any such article for distribution in commerce are processed in such a manner as to destroy any human pathogens likely to cause foodborne illness; and
 - "(4) ensure that poultry and poultry products other than those included in subsection (a)(3) of this section prepared at any official establishment preparing any such article for distribution in commerce are labeled with instructions for handling and preparation for consumption which, when adhered to, destroy any human pathogens likely to cause foodborne illness.
- "(b) Poultry or poultry products prepared at any official establishment preparing any such article for distribution in commerce which are found not to be in compliance with the regulations promulgated under subsection (a)(2), (a)(3), or (a)(4) of this section shall be considered adulter-

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- 1 ated and condemned and shall, if no appeal be taken from
- 2 such determination of condemnation, be destroyed for
- 3 human food purposes under the supervision of an inspec-
- 4 tor: *Provided,* That poultry and poultry products which are
- 5 not in compliance with subsection (a)(2), (a)(3), or (a)(4)
- 6 of this section but which may by reprocessing, labeling,
- 7 or both, as applicable, in accordance with subsection
- 8 (a)(2), (a)(3), or (a)(4) of this section be made not adul-
- 9 terated need not be condemned and destroyed if so reproc-
- 10 essed, labeled, or both, as applicable and as determined
- 11 by the Secretary, under the supervision of an inspector
- 12 and thereafter inspected and found to be not adulterated.
- 13 If an appeal be taken from such determination of con-
- 14 demnation, the poultry or poultry products shall be appro-
- 15 priately marked, segregated, and held by the official estab-
- 16 lishment pending completion of an appeal inspection. If
- 17 the determination of condemnation is sustained, the poul-
- 18 try and poultry products if not so reprocessed, labeled, or
- 19 both, as applicable, as to be made not adulterated shall
- 20 be destroyed for human food purposes under the super-
- 21 vision of a duly authorized representative of the Secretary.
- "(c) The Secretary shall, within two years of the en-
- 23 actment of this Act, issue regulations that—
- "(1) require poultry and poultry products pre-
- pared in any official establishment to be tested, in

- such manner and with such frequency as the Secretary deems necessary, to identify human diseasecausing pathogens or markers for these pathogens in the poultry and poultry products;
 - "(2) require that the results of any test conducted in accordance with subsection (c)(1) of this section be reported to the Secretary, in such manner and with such frequency as the Secretary deems necessary;
 - "(3) establish, to the maximum extent scientifically supportable, levels of human pathogens that, when found on poultry and poultry products prepared in official establishments, constitute a threat to public health. When making decisions regarding specific human pathogen levels, the Secretary shall consider the risk to human health, including the risk to infants, the elderly, persons whose immune systems are compromised, and other population subgroups, posed by consumption of the poultry or poultry products containing the human pathogen; and
 - "(4) prohibit or restrict the sale, transportation, offer for sale or transportation, or receipt for transportation of any poultry or poultry products that—

1	"(A) are capable of use as human food,
2	and
3	"(B) exceed the levels of human pathogens
4	established in accordance with subsection (c)(3)
5	of this section.
6	``(d)(1) The Secretary shall, as the Secretary deems
7	necessary and feasible, conduct or support appropriate re-
8	search regarding the establishment of levels of human
9	pathogens that when found on poultry and poultry prod-
10	ucts prepared in official establishments constitute a threat
11	to public health and shall conduct studies to validate these
12	levels.
13	"(2) The Secretary is directed to review, on a regular
14	basis, all regulations, processes, procedures and methods
15	designed to limit and control human pathogens on poultry
16	and poultry products. This ongoing review shall include,
17	as necessary, epidemiologic and other scientific studies to
18	ascertain the efficiency and efficacy of such regulations,
19	processes, procedures and methods.
20	"(3) The Secretary shall consult with the Public
21	Health Service, the Centers for Disease Control and Pre-
22	vention, the Food and Drug Administration, and any other
23	State or Federal public health agency the Secretary deems
24	necessary in order to carry out subsections $(c)(1)$, $(c)(3)$,
25	(d)(1), and $(d)(2)$ of this section.

1	"NOTIFICATION, DISTRIBUTION, AND RECALL REGARDING
2	NONCONFORMING ARTICLES
3	"SEC. 31. (a) Any person preparing poultry or poul-
4	try products for distribution in commerce which obtains
5	knowledge providing a reasonable basis for believing that
6	any poultry or poultry products—
7	"(1) are adulterated or not produced in compli-
8	ance with section 30(a) of this Act or the regulations
9	promulgated thereunder; or
10	"(2) are misbranded, shall immediately notify
11	the Secretary, in such manner and by such means
12	as the Secretary may be regulation prescribe, of the
13	identity and location of such poultry or poultry prod-
14	ucts.
15	"(b) If the Secretary finds, upon such notification or
16	otherwise, that any poultry or poultry products—
17	"(1) are adulterated or not produced in compli-
18	ance with section 30(a) of this Act or the regulations
19	promulgated thereunder and that there is a reason-
20	able probability that human consumption of such ar-
21	ticles present to threat to the public health, as deter-
22	mined by the Secretary; or
23	"(2) are misbranded, the Secretary shall pro-
24	vide the appropriate person with an opportunity to
25	cease distribution of such articles; notify all persons,

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firms, or corporations transporting or distributing such articles or to which such articles were shipped or sold to immediately cease distribution of such articles; and to recall the articles. If the person refuses to voluntarily cease distribution, make notification, and recall the articles or does not voluntarily cease distribution, make notification, and recall the articles within the time or in the manner prescribed by the Secretary, the Secretary shall immediately issue an order requiring the person (including the official establishment which prepared the articles), as the Secretary deems necessary to: immediately cease distribution of such articles; and immediately notify all persons, firms, or corporations transporting or distributing such articles or to which such articles were shipped or sold to immediately cease distribution of such articles. The order shall provide any person subject to the order with an opportunity for an informal hearing, to be held not later than 5 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require recall of such articles. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate

- grounds exist to support the actions required by the
- 2 order, the Secretary shall vacate the order.
- 3 "(c) If, after providing an opportunity for an infor-
- 4 mal hearing under subsection (b) of this section, the Sec-
- 5 retary determines that the articles that are the subject of
- 6 an order under subsection (b) of this section must be re-
- 7 called, the Secretary shall amend the order to require a
- 8 recall. The Secretary shall—
- 9 "(1) specify a timetable in which the recall will
- 10 occur;
- 11 "(2) require periodic reports to the Secretary
- describing the progress of the recall; and
- 13 "(3) provide for notice to consumers to whom
- such articles were, or may have been, distributed as
- to how they should treat the article.
- 16 "POULTRY TRACEBACK
- 17 "Sec. 32. (a) For the purpose of limiting the risk
- 18 of foodborne illness from poultry and poultry products dis-
- 19 tributed in commerce, the Secretary shall, as the Secretary
- 20 deems necessary, prescribe by regulation that poultry pre-
- 21 sented for slaughter for human food purposes be identified
- 22 in the manner prescribed by the Secretary to enable the
- 23 Secretary to trace each bird to any premises at which it
- 24 has been held for such period prior to slaughter that the
- 25 Secretary deems necessary to effectuate the purposes of
- 26 this Act. The Secretary may prohibit or restrict entry into

- 1 any slaughtering establishment inspected under this Act
- 2 of any poultry not identified as prescribed by the Sec-
- 3 retary.
- 4 "(b) The Secretary is authorized to require that all
- 5 persons required to identify poultry pursuant to subsection
- 6 (a) of this section, maintain accurate records, as pre-
- 7 scribed by the Secretary, regarding the purchase, sale, and
- 8 identification of such poultry; and all persons subject to
- 9 such requirements shall, at all reasonable times, upon no-
- 10 tice by a duly authorized representative of the Secretary,
- 11 afford such representative access to their places of busi-
- 12 ness and opportunity to examine the records thereof, and
- 13 to copy any such records. Any such record required to be
- 14 maintained by this section shall be maintained for such
- 15 period of time as the Secretary prescribes.
- 16 "(c) No person shall falsify or misrepresent to any
- 17 other person or to the Secretary, any information as to
- 18 any premises at which any poultry, or the carcasses there-
- 19 of, were held.
- 20 "(d) No person shall, without authorization from the
- 21 Secretary, alter, detach, or destroy any records or other
- 22 means of identification prescribed by the Secretary for use
- 23 in determining the premises at which were held any poul-
- 24 try or carcasses thereof.

- 1 "(e)(1) If the Secretary finds any human pathogen
- 2 or any residue in any poultry at the time they are pre-
- 3 sented for slaughter or in any poultry carcasses, parts of
- 4 poultry carcasses, or poultry products prepared in an offi-
- 5 cial establishment and the Secretary finds that there is
- 6 a reasonable probability that human consumption of any
- 7 poultry or poultry product containing the human pathogen
- 8 or residue presents a threat to public health, the Secretary
- 9 may take such action as the Secretary deems necessary
- 10 to determine the source of the human pathogen or residue.
- 11 "(2) If the Secretary identifies the source of any
- 12 human pathogen or residue described in subsection (e)(1)
- 13 of this section, the Secretary is authorized to prohibit or
- 14 restrict the movement of any poultry, poultry carcasses,
- 15 parts of poultry carcasses, poultry product, or any other
- 16 article from any source of the human pathogen or residue
- 17 until the Secretary determines that the human pathogen
- 18 or residue at the source no longer presents a threat to
- 19 public health.
- (f)(1) The Secretary shall use any means of identi-
- 21 fication and record keeping methods utilized by producers
- 22 or handlers of poultry whenever such means of identifica-
- 23 tion and record keeping methods will enable the Secretary
- 24 to carry out the purposes of this section.

- 1 "(2) The Secretary is authorized to cooperate with
- 2 producers or handlers of poultry, in which any human
- 3 pathogen or residue described in subsection (e)(1) of this
- 4 section is found, to develop and implement methods to
- 5 limit or eliminate the human pathogen or residue at the
- 6 source.
- 7 "REFUSAL OR WITHDRAWAL OF INSPECTION
- 8 "Sec. 33. (a) The Secretary may for such period, or
- 9 indefinitely, as the Secretary deems necessary to effec-
- 10 tuate the purposes of this Act, refuse to provide, or with-
- 11 draw, inspection service under this Act with respect to any
- 12 official establishment if the Secretary determines, after
- 13 opportunity for a hearing is accorded to the applicant for,
- 14 or recipient of, such service, that the applicant or recipi-
- 15 ent, or any person responsibly connected with the appli-
- 16 cant or recipient, has repeatedly failed to comply with the
- 17 requirements of this Act or the regulations promulgated
- 18 thereunder.
- 19 "(b) The Secretary may direct that, pending oppor-
- 20 tunity for an expedited hearing with respect to any refusal
- 21 or withdrawal of inspection service and the final deter-
- 22 mination and order under subsection (a) of this section
- 23 and any judicial review thereof, inspection service shall be
- 24 denied or suspended if the Secretary deems such action
- 25 necessary in the public interest in order to protect the

- 1 health or welfare of consumers or to assure the safe and
- 2 effective performance of official duties under this Act.
- 3 "(c) The determination and order of the Secretary
- 4 with respect to withdrawal or refusal of inspection service
- 5 under this section shall be final and conclusive unless the
- 6 affected applicant for, or recipient of, inspection service
- 7 files application for judicial review within 30 days after
- 8 the effective date of the order; and inspection service shall
- 9 be withdrawn or refused as of the effective date of the
- 10 order pending any judicial review of the order unless the
- 11 Secretary directs otherwise. Judicial review of any such
- 12 order shall be in the United States Court of Appeals for
- 13 the circuit in which the applicant for, or recipient of, in-
- 14 spection service has its principal place of business or in
- 15 the United States Court of Appeals for the District of Co-
- 16 lumbia Circuit and shall be upon the record upon which
- 17 the determination and order are based. The provisions of
- 18 section 204 of the Packers and Stockyards Act, 1921 (42
- 19 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable
- 20 to appeals taken under this section.
- 21 "(d) The provisions of this section shall be in addition
- 22 to and not derogate from any other provision of this Act
- 23 for refusal, withdrawal, or suspension of inspection service
- 24 under this Act.

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1	"CIVIL PENALTIES
2	"Sec. 34. (a) Any person which violates any provision
3	of this Act, any regulation issued under this Act, or any
4	order issued under section 31(b) or (c) of this Act may
5	be assessed a civil penalty by the Secretary of not more
6	than \$100,000 per day of violation. Each offense shall be
7	a separate violation. No penalty shall be assessed unless
8	such person is given notice and opportunity for a hearing
9	on the record before the Secretary in accordance with sec-
10	tions 554 and 556 of title 5, United States Code. The
11	amount of such civil penalty shall be assessed by the Sec-
12	retary by written order, taking into account the gravity
13	of the violation, degree of culpability, and history of prior
14	offenses; and may be reviewed only as provided in sub-
15	section (b) of this section.
16	"(b) Any person against whom such violation is found
17	and a civil penalty assessed by order of the Secretary
18	under subsection (a) of this section may obtain review in
19	the Court of Appeals of the United States for the circuit
20	in which such party resides or has a place of business or
21	in the United States Court of Appeals of the District of
22	Columbia Circuit by filing a notice of appeal in such Court
23	within 30 days from the date of such order and by simul-

24 taneously sending a copy of such notice by certified mail

25 to the Secretary. The Secretary shall promptly file in such

- 1 Court a certified copy of the record upon which such viola-
- 2 tion was found and such penalty assessed. The findings
- 3 of the Secretary shall be set aside only if found to be un-
- 4 supported by substantial evidence on the record as a
- 5 whole.
- 6 "(c) If any person fails to pay an assessment of a
- 7 civil penalty after if has become a final and unappealable
- 8 order, or after the appropriate Court of Appeals has en-
- 9 tered final judgment in favor of the Secretary, the Sec-
- 10 retary shall refer the matter to the Attorney General, who
- 11 shall institute a civil action to recover the amount assessed
- 12 in any appropriate district court of the United States. In
- 13 such collection action, the validity and appropriateness of
- 14 the Secretary's order imposing the civil penalty shall not
- 15 be subject to review.
- 16 "(d) All penalties collected under authority of this
- 17 section shall be paid into the Treasury of the United
- 18 States.
- 19 "(e) Nothing in this Act shall be construed as requir-
- 20 ing the Secretary to report for criminal prosecution or for
- 21 the institution of libel or injunction proceedings, violations
- 22 of this Act, whenever the Secretary believes that the public
- 23 interest will be adequately served by assessment of civil
- 24 penalties. Furthermore, the Secretary may, in the Sec-
- 25 retary's discretion, compromise, modify, or remit, with or

- 1 without conditions, any civil penalty assessed under this
- 2 section.
- 3 TITLE II
- 4 Sec. 201. Section 1 of the Act of July 2, 1962 (21
- 5 U.S.C. 134), is amended by adding a new subsection (e)
- 6 to read:
- 7 "(e) The term 'disease' means any disease of livestock
- 8 or poultry, both infectious and non-infectious, and any
- 9 other health-related condition that may be transmitted by
- 10 livestock or poultry or their products to other animals or
- 11 humans.''.
- 12 Sec. 202. Section 2(a) of the Act of July 2, 1962
- 13 (21 U.S.C. 134a(a)), is amended to read:
- 14 "(a) Whenever the Secretary deems it necessary in
- 15 order to prevent the introduction or dissemination of a dis-
- 16 ease, the Secretary may seize, quarantine, and dispose of,
- 17 in a reasonable manner taking into consideration the na-
- 18 ture of the disease and the necessity of such action to pro-
- 19 tect the livestock or poultry of the United States, or the
- 20 health of the people of the United States because the dis-
- 21 ease may be transmitted by livestock or poultry or their
- 22 products: (1) any animals which the Secretary finds are
- 23 moving or are being handled or have moved or have been
- 24 handled in interstate or foreign commerce contrary to any
- 25 law or regulation administered by the Secretary for the

- 1 prevention of the introduction or dissemination of any dis-
- 2 ease; (2) any animals which the Secretary finds are mov-
- 3 ing into the United States, or interstate, and are affected
- 4 with or have been exposed to any disease; and (3) any
- 5 animals which the Secretary finds have moved into the
- 6 United States, or interstate, and, at the time of such
- 7 movement, were affected with or exposed to any disease.".
- 8 SEC. 203. Section 2(e) of the Act of July 2, 1962
- 9 (21 U.S.C. 134a(e)), is amended to read:
- 10 "(e) No such payment shall be made by the Secretary
- 11 for any animal, carcass, product, or article which has been
- 12 moved or handled by the owner thereof or the owner's
- 13 agent in violation of a law or regulation administered by
- 14 the Secretary for the prevention of the interstate dissemi-
- 15 nation of disease, for which the animal, carcass, product,
- 16 or article was destroyed or a law or regulation for the en-
- 17 forcement of which the Secretary enters or has entered
- 18 into a cooperative agreement for the control and eradi-
- 19 cation of disease, or for any animal which has moved into
- 20 the United States contrary to such law or regulation ad-
- 21 ministered by the Secretary for the prevention of the intro-
- 22 duction of a disease.".
- 23 Sec. 204. Section 3 of the Act of July 2, 1962 (21
- 24 U.S.C. 134b), is amended to read: "The Secretary, in
- 25 order to protect the health of the livestock or poultry of

- 1 the United States, and the health of the people of the
- 2 United States because the disease may be transmitted by
- 3 livestock or poultry or their products, may promulgate reg-
- 4 ulations requiring that railway cars; vessels; airplanes;
- 5 trucks; and other means of conveyance; stockyards; feed,
- 6 water, and rest stations; and other facilities, used in con-
- 7 nection with the movement of animals into or from the
- 8 United States, or interstate, be maintained in a clean and
- 9 sanitary condition, including requirements for inspection,
- 10 cleaning, and disinfection.".
- 11 Sec. 205. Section 4 of the Act of July 2, 1962 (21
- 12 U.S.C. 134c), is amended to read: "The Secretary is au-
- 13 thorized to promulgate regulations prohibiting or regulat-
- 14 ing the movement into the United States of any animals
- 15 which are or have been affected with or exposed to any
- 16 disease, or which have been vaccinated or otherwise treat-
- 17 ed for any disease, or which the Secretary finds would oth-
- 18 erwise be likely to introduce or disseminate any disease,
- 19 when the Secretary determines that such action is nec-
- 20 essary to protect the livestock or poultry of the United
- 21 States, or to protect the health of the people of the United
- 22 States because the disease may be transmitted by livestock
- 23 or poultry or their products.".
- 24 SEC. 206. Section 5 of the Act of July 2, 1962 (21
- 25 U.S.C. 134d), is amended to read: "Employees of the De-

partment of Agriculture designated by the Secretary for the purpose, when properly identified, shall have authority: (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States 4 from a foreign country, to determine whether such person or means of conveyance is carrying any animal, carcass, product, are article regulated or subject to disposal under any law or regulation administered by the Secretary for 8 prevention of the introduction or dissemination of any disease; (2) to stop and inspect, without a warrant, any means of conveyance moving interstate upon probable cause to believe the means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under any laws or regulation administered by the Secretary for the prevention of the 19 introduction or dissemination of any disease. Any Federal judge, or any judge of a court of record in the United States, or any United States Commissioner, may, within such Commissioner's jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any animal, carcass, product, or ar-

- 1 ticle regulated or subject to disposal under any law or reg-
- 2 ulation administered by the Secretary for the prevention
- 3 of the introduction or dissemination of any disease, issue
- 4 warrants for the entry upon such premises and for inspec-
- 5 tions and seizures necessary under such laws and regula-
- 6 tions. Warrants may be executed by any authorized em-
- 7 ployee of the Department of Agriculture.".
- 8 Sec. 207. Section 6 of the Act of August 30, 1890,
- 9 as amended (21 U.S.C. 104), is amended to read:
- 10 "(a) The Secretary of Agriculture is authorized to
- 11 prohibit or restrict the importation of animals which are
- 12 affected with disease or which have been exposed to dis-
- 13 ease prior to their importation into the United States.
- 14 "(b) Any person who knowingly violates any provision
- 15 of this section or sections 7 through 10 of this Act or any
- 16 regulation prescribed by the Secretary of Agriculture
- 17 under any such section shall be guilty of a misdemeanor
- 18 and shall, on conviction, be punished by a fine not exceed-
- 19 ing \$5,000, by imprisonment not exceeding one year, or
- 20 both. Any person who violates any such provision or any
- 21 such regulation may be assessed a civil penalty by the Sec-
- 22 retary of Agriculture not exceeding \$1,000. The Secretary
- 23 of Agriculture may issue an order assessing such civil pen-
- 24 alty only after notice and an opportunity for an agency
- 25 hearing on the record. The order shall be treated as a final

- 1 order reviewable under chapter 158 of Title 28. The valid-
- 2 ity of the order may not be reviewed in an action to collect
- 3 the civil penalty.
- 4 "(c) For the purposes of this Act the word 'disease'
- 5 means any disease of livestock or poultry, both infectious
- 6 and non-infectious, and any other health-related condition
- 7 that may be transmitted by livestock or poultry or their
- 8 products to other animals or humans.".
- 9 SEC. 208. Section 8 of the Act of August 30, 1890
- 10 (21 U.S.C. 103), is amended to read:
- 11 "(a) The Secretary of Agriculture is authorized to re-
- 12 quire animals to be imported into ports in the United
- 13 States designated by the Secretary of Agriculture, with the
- 14 approval of the Secretary of the Treasury, as quarantine
- 15 stations. If any animals required by the Secretary of Agri-
- 16 culture to be imported into ports designated as quarantine
- 17 stations are brought to any port of the United States
- 18 where no quarantine station is established, the Secretary
- 19 of Agriculture may require the animals to be moved to
- 20 the nearest quarantine station at the expense of owner of
- 21 the animals under such conditions as the Secretary of Ag-
- 22 riculture determines necessary to prevent the spread of
- 23 disease.
- 24 "(b) The Secretary of Agriculture may destroy ani-
- 25 mals which the Secretary of Agriculture finds to be af-

- 1 fected with or exposed to a disease dangerous to other ani-
- 2 mals, or to the health of the people of the United States
- 3 because the disease may be transmitted by livestock or
- 4 poultry or their products.
- 5 "(c) Except as provided in subsection (d) of this sec-
- 6 tion, the Secretary of Agriculture shall compensate the
- 7 owner of animals destroyed in accordance with subsection
- 8 (b) of this section which are exposed to disease, but not
- 9 affected with disease. Such compensation shall be based
- 10 upon the fair market value of the animal at the time of
- 11 destruction as determined by the Secretary of Agriculture.
- 12 Compensation paid any owner under this subsection shall
- 13 not include anticipated profits and shall not exceed the
- 14 difference between any compensation received by the
- 15 owner of the animals from any other source and the fair
- 16 market value of the animal at the time of destruction.
- 17 Funds in the Treasury available for carrying out animal
- 18 disease control activities of the Department of Agriculture
- 19 shall be used to compensate owners of animals destroyed
- 20 in accordance with subsection (b) of this section.
- 21 "(d) No payment shall be made by the Secretary of
- 22 Agriculture for animals destroyed in accordance with sub-
- 23 section (b) of this section if the animal has been imported
- 24 in violation of any law or regulation administered by the

- 1 Secretary of Agriculture for the prevention of the intro-
- 2 duction or dissemination of any disease.".
- 3 SEC. 209. Section 1 of the Act of February 2, 1903,
- 4 as amended (21 U.S.C. 121), is amended to read:
- 5 "(a) Whenever the Secretary of Agriculture issues a
- 6 certificate showing that the Secretary of Agriculture had
- 7 inspected any livestock and/or live poultry which were
- 8 about to be exported from the United States or moved
- 9 interstate, and had found them free of any disease, such
- 10 animals, so inspected and certified, may transported into
- 11 and through any State, or they may be exported from the
- 12 United States without further inspection or the exaction
- 13 of fees of any kind, except such as may at anytime be
- 14 ordered or exacted by the Secretary of Agriculture; and
- 15 all such animals shall at all times be under control and
- 16 supervision of the Secretary of Agriculture for the pur-
- 17 poses of such inspection.
- 18 "(b) For the purposes of this Act, the word 'disease'
- 19 means any disease of livestock or poultry, both infectious
- 20 and non-infectious, and any other health-related condition
- 21 that may be transmitted by livestock or poultry or their
- 22 products to other animals or humans.
- 23 "(c) for the purposes of this Act, the word 'State'
- 24 means any of the several States of the United States, the
- 25 Commonwealth of the Northern Mariana Islands, the

- 1 Commonwealth of Puerto Rico, the District of Columbia,
- 2 Guam, the Virgin Islands of the United States, or any
- 3 other territory or possession of the United States.".
- 4 SEC. 210. Section 2 of the Act of February 2, 1903,
- 5 as amended (21 U.S.C. 111), is amended to read:
- 6 "(a) The Secretary of Agriculture is authorized to
- 7 make such regulations and take such measures as the Sec-
- 8 retary of Agriculture deems necessary to prevent the intro-
- 9 duction or dissemination of any disease from a foreign
- 10 country into the United States or from one State to an-
- 11 other.
- 12 "(b) The Secretary of Agriculture is authorized to
- 13 seize, quarantine, and dispose of any hay, straw, forage,
- 14 or similar material, or any meats, hides, or other animal
- 15 products coming from a foreign country in which disease
- 16 exists to the United States, or from one State in which
- 17 disease exists to another State, whenever in the Secretary
- 18 of Agriculture's judgment such action is advisable in order
- 19 to prevent the introduction or spread of disease.".
- 20 SEC. 211. Section 3 of the Act of May 29, 1884, as
- 21 amended (21 U.S.C. 114), is amended to read:
- "(a) The Secretary of Agriculture is authorized to
- 23 prepare regulations for the speedy and effectual suppres-
- 24 sion and eradication of diseases, and to certify such regu-
- 25 lations to the executive authority of each State, and invite

- 1 these executive authorities to cooperate in the execution
- 2 and enforcement of this Act and section 2 of the Act of
- 3 February 2, 1903. Whenever the plans and methods of
- 4 the Secretary of Agriculture shall be accepted by any State
- 5 in which a disease is declared to exist, or any State shall
- 6 have adopted plans and methods for the suppression and
- 7 eradication of diseases, and the State plans and methods
- 8 are accepted by the Secretary of Agriculture, and when-
- 9 ever the Governor of a State or other properly constituted
- 10 authorities signify their readiness to cooperate for the sup-
- 11 pression or eradication of any disease in conformity with
- 12 this Act and section 2 of the Act of February 2, 1903,
- 13 the Secretary of Agriculture is authorized to expend so
- 14 much of the money appropriated for carrying out this Act
- 15 and section 2 of the Act of February 2, 1903, as may
- 16 be necessary in such investigations, and in such disinfec-
- 17 tion and quarantine measures as may be necessary to pre-
- 18 vent the spread of the disease from one state into another.
- 19 "(b) For the purposes of this Act, the word 'disease'
- 20 means any disease of livestock or poultry, both infectious
- 21 and non-infectious, and any other health-related condition
- 22 that may be transmitted by livestock or poultry or their
- 23 products to other animals or humans."
- "(c) For the purposes of this section, the word 'State'
- 25 means any of the several States of the United States, the

- 1 Commonwealth of the Northern Mariana Islands, the
- 2 Commonwealth of Puerto Rico, the District of Columbia,
- 3 Guam, the Virgin Islands of the United States, or any
- 4 other territory or possession of the United States.".
- 5 SEC. 212. Section 4 of the Act of May 29, 1884, as
- 6 amended (21 U.S.C. 112), is amended to read: "In order
- 7 to promote the exportation of livestock and/or live poultry
- 8 from the United States, the Secretary of Agriculture is
- 9 authorized to investigate the existence of any disease,
- 10 along the dividing lines between the United States and for-
- 11 eign countries, and along the lines of transportation from
- 12 all parts of the United States to ports from which livestock
- 13 and/or live poultry are exported, and may establish regula-
- 14 tions concerning the exportation and transportation of
- 15 livestock and/or live poultry as the results of the investiga-
- 16 tions may require.".
- 17 SEC. 213. Section 5 of the Act of May 29, 1884, as
- 18 amended (21 U.S.C. 113), is amended to read: "In order
- 19 to prevent the exportation from the United States to any
- 20 foreign country of livestock and/or live poultry affected
- 21 with disease or exposed to disease, the Secretary of Agri-
- 22 culture is authorized to take such steps and adopt such
- 23 measures, as the Secretary of Agriculture may deem nec-
- 24 essary.".

- 1 SEC. 214. Sections 4 and 5 of the Act of May 29,
- 2 1884, as amended (21 U.S.C. 120), are amended to read:
- 3 "(a) In order to enable the Secretary of Agriculture
- 4 to effectually suppress and eradicate diseases, and to pre-
- 5 vent the spread of diseases, the Secretary of Agriculture
- 6 is authorized to establish such regulations concerning the
- 7 exportation and transportation of livestock and/or live
- 8 poultry from any place within the United States where the
- 9 Secretary of Agriculture may have reason to believe dis-
- 10 eases may exist into and through any state and to foreign
- 11 countries as the Secretary of Agriculture may deem nec-
- 12 essary.
- 13 "(b) For the purposes of these sections, the word
- 14 "State" means any of the several States of the United
- 15 States, the Commonwealth of the Northern Mariana Is-
- 16 lands, the Commonwealth of Puerto Rico, the District of
- 17 Columbia, Guam, the Virgin Islands of the United States,
- 18 or any other territory or possession of the United States.".
- 19 SEC. 215. Section 6 of the Act of May 29, 1884, as
- 20 amended (21 U.S.C. 115), is amended to read:
- 21 "(a) No person, company, or corporation shall trans-
- 22 port, receive for transportation, deliver for transportation,
- 23 move, or cause to be moved from one State to another
- 24 any livestock and/or live poultry affected with any disease
- 25 except in accordance with regulations prescribed by the

- 1 Secretary of Agriculture to protect the livestock and poul-
- 2 try of the United States and the health of the people of
- 3 the United States.
- 4 "(b) For the purposes of this section, the word 'State'
- 5 means any of the several States of the United States, the
- 6 Commonwealth of the Northern Mariana Islands, the
- 7 Commonwealth of Puerto Rico, the District of Columbia,
- 8 Guam, the Virgin Islands of the United States, or any
- 9 other territory or possession of the United States.".
- 10 Sec. 216. Section 11 of the Act of May 29, 1884,
- 11 as amended (21 U.S.C. 114a), is amended to read:
- 12 (a) The Secretary of Agriculture, either independ-
- 13 ently or in cooperation with States or political subdivisions
- 14 of States, farmers' associations and similar organizations,
- 15 and individuals, is authorized to: (1) control and eradicate
- 16 any diseases which in the opinion of the Secretary of Agri-
- 17 culture constitute an emergency and threaten the livestock
- 18 industry or poultry industry of the United States, or the
- 19 health of the people of the United States because the dis-
- 20 ease may be transmitted by livestock or poultry or their
- 21 products; and (2) pay claims growing out of destruction
- 22 of animals (including poultry), and of materials, affected
- 23 by or exposed to any communicable disease, in accordance
- 24 with such regulations as the Secretary of Agriculture may
- 25 prescribe.

- 1 "(b) The Secretary of Agriculture is authorized to
- 2 prescribe and collect fees to recover the costs of carrying
- 3 out this section which relate to veterinary diagnostics.
- 4 "(c) For the purposes of this section, the word 'State'
- 5 means any of the several States of the United States, the
- 6 Commonwealth of the Northern Mariana Islands, the
- 7 Commonwealth of Puerto Rico, the District of Columbia,
- 8 Guam, the Virgin Islands of the United States, or any
- 9 other territory or possession of the United States.".
- 10 Sec. 217. Section 1 of the Act of March 3, 1905,
- 11 as amended (21 U.S.C. 123), is amended to read:
- 12 "(a) The Secretary of Agriculture is authorized to
- 13 quarantine by regulation any State, or any portion of any
- 14 State, when the Secretary of Agriculture shall determine
- 15 the fact that any animals or live poultry in such State
- 16 are affected with any disease or that the contagion of any
- 17 disease exists or that vectors which may disseminate any
- 18 disease exist in such State.
- 19 "(b) For the purposes of this Act, the word 'disease'
- 20 means any disease of livestock or poultry, both infectious
- 21 and non-infectious, and any other health-related condition
- 22 that may be transmitted by livestock or poultry or their
- 23 products to other animals or humans.
- 24 "(c) For the purposes of this section, the word 'State'
- 25 means any of the several States of the United States, the

- 1 Commonwealth of the Northern Mariana Islands, the
- 2 Commonwealth of Puerto Rico, the District of Columbia,
- 3 Guam, the Virgin Islands of the United States, or any
- 4 other territory or possession of the United States.".
- 5 SEC. 218. Section 1 of the Act of May 6, 1970, (21
- 6 U.S.C. 135), is amended by designating the current sec-
- 7 tion as subsection "(a)"; by deleting the words "livestock
- 8 or poultry disease or pests" and by inserting in lieu there-
- 9 of "diseases or livestock or poultry pests"; by deleting
- 10 "livestock or poultry diseases or pests" and by inserting
- 11 in lieu thereof "diseases or livestock or poultry pests"; and
- 12 by adding a new subsection (b) to read:
- 13 "(b) For the purposes of this Act, the word "dis-
- 14 eases" means any diseases of livestock or poultry, both
- 15 infectious and non-infectious, and any other health-related
- 16 condition that may be transmitted by livestock or poultry
- 17 or their products to other animals or humans.".
- 18 Sec. 219. Section 12 of the Act of March 4, 1907,
- 19 as amended (21 U.S.C. 612), is amended to read:
- 20 "(a) The Secretary is authorized to inspect all cattle,
- 21 sheep, swine, goats, horses, mules, and other equines in-
- 22 tended and offered for export to foreign countries at such
- 23 times and places, and in such manner as the Secretary
- 24 may deem proper, to ascertain whether such cattle, sheep,

- 1 swine, goats, horses, mules, and other equines are free
- 2 from disease.
- 3 "(b) For the purpose of this section, the word 'dis-
- 4 ease' means any disease of cattle, sheep, swine, goats,
- 5 horse, mules, and other equines, both infectious and non-
- 6 infectious, and any other health-related condition that may
- 7 be transmitted by cattle, sheep, swine, goats, horses,
- 8 mules, and other equines or their products to other ani-
- 9 mals or humans."
- 10 SEC. 220. The Act of September 28, 1962 (7 U.S.C.
- 11 450), is amended to read:
- 12 "(a) In order to avoid duplication of functions, facili-
- 13 ties, and personnel, and to attain closer coordination and
- 14 greater effectiveness and economy in administration of
- 15 Federal and State laws and regulations relating to the
- 16 production and marketing of agricultural products and to
- 17 the control or eradication of plant diseases, plant pests,
- 18 animal diseases, and animal pests, the Secretary of Agri-
- 19 culture is authorized, in the administration and enforce-
- 20 ment of such Federal laws within the Secretary of Agri-
- 21 culture's area of responsibility, whenever the Secretary of
- 22 Agriculture deems it feasible and in the public interest,
- 23 to enter into cooperative arrangements with State depart-
- 24 ments of agriculture and other State agencies charged
- 25 with the administration and enforcement of such State

- 1 laws and regulations and to provide that any such State
- 2 agency which has adequate facilities, personnel, and proce-
- 3 dures, as determined by the Secretary of Agriculture, may
- 4 assist the Secretary of Agriculture in the administration
- 5 and enforcement of such Federal laws and regulations to
- 6 the extent and in the manner the Secretary of Agriculture
- 7 deems appropriate in the public interest.
- 8 "(b) The Secretary is authorized to coordinate the
- 9 administration of such Federal laws and regulations with
- 10 such State laws and regulations wherever feasible. How-
- 11 ever, nothing in this Act shall affect the jurisdiction of
- 12 the Secretary of Agriculture under any Federal law, or
- 13 any authority to cooperate with State agencies or other
- 14 agencies or persons under existing provisions of law, or
- 15 affect any restrictions of law upon such cooperation.
- 16 "(c) For the purposes of this Act the term 'animal
- 17 diseases' means any diseases of animals, both infectious
- 18 and non-infectious, and any other health-related condition
- 19 that may be transmitted by animals or their products to
- 20 other animals or humans.".
- SEC. 221. Section 101(d) of the Act of September
- 22 21, 1944 (7 U.S.C. 430), is amended to read:
- "(a) The Secretary of Agriculture may purchase in
- 24 the open market from applicable appropriations samples
- 25 of all tuberculin, serums, antitoxins, or other products, of

- 1 foreign or domestic manufacture, which are sold in the
- 2 United States, for the detection, prevention, treatment, or
- 3 cure of diseases of domestic animals, test the same, and
- 4 disseminate the results of the tests in such manner as the
- 5 Secretary of Agriculture may deem best.".
- 6 "(b) For the purposes of this section, the word 'dis-
- 7 eases'; means any diseases of domestic animals, both infec-
- 8 tious and non-infectious, and any other health-related con-
- 9 dition that may be transmitted by domestic animals or
- 10 their products to other animals or humans.".

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